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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/294,475	04/20/1999	KEVIN GATESMAN	WMA-99-001	6166

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WORLDCOM, INC.
TECHNOLOGY LAW DEPARTMENT
1133 19TH STREET NW
WASHINGTON, DC 20036

EXAMINER

NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 05/30/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/294,475

Applicant(s)

GATESMAN, KEVIN

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/21/2003 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-3, 6-7, 9-15, 17-18 and 20-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonnby (USP 6515996) in view of Itoi (USP 6456625).

Tonnby discloses (Figs 1-9 and col. 1, lines 5 to col. 10, lines 60) apparatus for enabling more than one communicative process to be carried on at the same time over a subscriber line comprising a network interface means for connecting to a circuit switched telephone network (Fig 8, Ref 70 for connecting to PSTN); a telephone interface means for connecting to at least one telephone, wherein the telephone interface means is adapted to patch a call from the one telephone to the circuit switched telephone network via the network interface means upon a determination that no data connection is established to the circuit switched telephone network (Fig 8, Ref 71 for establishing a telephone call via PSTN if PC does not established with a service provider); a computer interface means for connecting to at least one computer (Fig 8, Ref 74); and a routing means for selectively routing voice and data signals from said telephone and said computer to and from said circuit switched telephone network via said subscriber line (Fig 7, Ref 80); an analog telephone interface, which includes a ring generator, DTMF generator, and dial tone generator (Col 9, lines 12-29); routing means for apportioning the bandwidth of the subscriber line for selectively routing the packet for computer and telephone (the voice packet and data packet is simultaneously multiplexed into the subscriber line, Fig 7, Ref 80). However, Tonnby does not disclosed routing means for assigning internal network addresses to said telephone and said computer and routing the voice and data packets according to assigned internal network addresses. In the same field of endeavor, Itoi discloses ((Fig 1-14 and col. 1-22) a routing means for assigning the internal network addresses to a telephone and computer and routing the incoming and outgoing voice or data packet based on the internal network address (Fig 3b, Ref 320 used to give the local IP addresses to data terminal 314 and telephone 311, See col. 8, lines 40-56); a gateway means for packetizing a received voice signal from the

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telephone interface and depacketizing the received voice signals from routing means via PSTN (col. 9, lines 45-60 discloses a means for packetizing voice signal into a packet or depacketizing voice packet into voice signal); routing means including an address conversion and translation means for translating the respective internal network addresses of the telephone and computer to correspond with an external network address of the subscriber line assigned to communicate with the network and establishing respective connections between the external network address of the subscriber line and the internal addresses of the telephone and the computer so that both voice and data signals can be exchanged between the telephone and said computer connected to the said communication controller and devices communicatively connected to the network (Fig 3b, Ref 307); a voice circuit communicatively connected to said telephone and said routing means for receiving and converting digital voice signal routed from the routing means into analog voice signal for telephone and converting and feeding analog voice signals input from the telephone into digital voice signals for the routing means (Fig 3b, Ref 309) and mapping the telephone number compatible with PSTN to an internal address (Fig 4);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a routing means for assigning an internal network address to the devices coupling the interface as disclosed Itoi's system into Tonnby's system. The motivation would have been to increase the number of devices can access to the internet.

5. Claims 4-5, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonnby in view of Itoi as applied to claims 1, 9 and 17 above, and further in view of Awadallah (USP 6449251).

Regarding claims 4-5, 16 and 19, Tonnby and Itoi fail to disclose the claimed invention. However, Awadallah disclose a method and apparatus for setting a priority to the voice and data packets wherein voice packet has a higher priority than the data packet (col. 1, lines 28-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply an priority means for setting a priority of voice and data packet as disclosed by Awadallah's system into the telecommunication network of Tonnby and Itoi. The motivation would have been to reduce the latency for transmitting the voice packets.

6. Claim ⁶8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tonnby in view of Itoi as applied to claim 1 above, and further in view of Szeliga (USP 6067353).

Regarding claim 8, Itoi fails to fully disclose the claimed invention. However, Tonnby discloses DTMF generator, ring generator, a visual indicator for message and an alert message for incoming call (Col. 5, lines 50-62 and Col 9, lines 12-29) and Szeliga discloses a visual call waiting indicator (Fig 3, Ref 28 and col. 4, lines 24-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a universal indicator to a subscriber and a visual call waiting indicator as disclosed by Szeliga into the system of Tonnby and Itoi in order to provide an indicator to a deaf person.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink, appearing to read 'Steven HD Nguyen', with a long horizontal flourish extending to the right.

Steven HD Nguyen
Primary Examiner
Art Unit 2665
May 28, 2003